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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,799	01/28/2004	Kiyokazu Ohtaki	27,548 USA	3996
23307 7590 10/17/2007 SYNNESTVEDT & LECHNER, LLP 1101 MARKET STREET 26TH FLOOR PHILADELPHIA, PA 19107-2950			EXAMINER BUI, HUNG S	
			ART UNIT 2841	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,799	<b>Applicant(s)</b> OHTAKI ET AL.	
	<b>Examiner</b> Hung S. Bui	<b>Art Unit</b> 2841	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28/04; 6/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 7-14 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected restriction, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/01/2007.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in 2003-026919 on 04/02/2003.

***Oath/Declaration***

3. The oath/declaration filed on 01/28/2004 is acceptable.

***Information Disclosure Statement***

4. The IDS filed on 01/28/2004 and 06/14/2004 have been considered and made of record.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomoda et al. [US 5,111,199] in view of Wang et al. [US 6,674,639].

**Regarding claims 1-2 and 6**, Tomoda et al. disclose a portable device (100, figure 6, column 3, line 4) for communication with an external device, the portable device comprising: a case (120, 122, figure 6, column 6, lines 26-27) having a cover (120, figure 6) and a base (122, figure 6) being formed of a flexible material (column 2, line 21); a battery section (410, figure 6, column 6, line 40) formed in the case.

Tomoda et al. disclose the instant claimed invention except for the casing having a separable portion formed corresponding with the battery section; and the part of the case being deformable to open the separable portion and expose the battery of the case.

Wang et al. disclose a portable device including a cover (figure 3), wherein the cover has at least a corner portion (see figure 3) being formed of a flexible material (312, 313, figure 3, column 3, line 8) and being deformable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a flexible portion corresponding the battery section of Tomoda et al., as suggested by Wang et al., for the purpose of enabling open/close the corner of the case to replace the battery.

**Regarding claim 3**, Tomoda et al., disclose the instant claimed invention except for the separable portion having a first connecting surface including a first fitting portion formed to surround the battery compartment, and a second connecting surface including a second fitting portion to which the first fitting portion is fitted.

Wang et al. disclose the separable corner portion having a first connecting surface (element 310, figure 3) including a first fitting portion (315, figure 3) formed thereon, and a second connecting surface (301, figure 3) including a second fitting portion (a convex element corresponding to the first fitting portion as shown in the figure 3) to which the first fitting portion is fitted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the fitting portion design of Wang et al. in Tomoda et al., for the purpose of providing completely seal the casing device.

**Regarding claim 4**, Tomoda et al., as modified, disclose the case being formed of a synthetic resin and being elastically deformable (column 2, lines 21-22).

**Regarding claim 5**, Tomoda et al., as modified, disclose the portable device having a flexible printed circuit board therein (400, 403, figure 6, column 6, lines 31-32).

**Regarding claim 15**, Tomoda et al. disclose a portable device (100, figure 6, column 3, line 4) for communication with an external device, the portable device comprising: a case (120, 122, figure 6, column 6, lines 26-27) having a cover (120, figure 6) and a base (122, figure 6) being formed of a flexible material (column 2, line 21); a battery section (410, figure 6, column 6, line 40) formed in the case.

Tomoda et al. disclose the instant claimed invention except for the casing having a separable portion formed corresponding with the battery section; the part of the case being deformable to open the separable portion and expose the battery of the case; and the separable portion having a first connecting surface including a first fitting portion

formed to surround the battery compartment, and a second connecting surface including a second fitting portion to which the first fitting portion is fitted.

Wang et al. disclose a portable device including a cover (figure 3), wherein the cover has at least a corner portion (see figure 3) being formed of a flexible material (312, 313, figure 3, column 3, line 8) and being deformable. Furthermore, Wang et al. disclose the separable corner portion having a first connecting surface (element 310, figure 3) including a first fitting portion (315, figure 3) formed thereon, and a second connecting surface (301, figure 3) including a second fitting portion (a convex element corresponding to the first fitting portion as shown in the figure 3) to which the first fitting portion is fitted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a flexible portion, including a fitting portion design, corresponding the battery section of Tomoda et al., as suggested by Wang et al., for the purpose of enabling open/close the corner of the case to replace the battery and the case is completely sealed after replacing the battery.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Guenther et al. [US 6,193,069] disclose apparatus for packaging processing system elements of mailing and shopping;

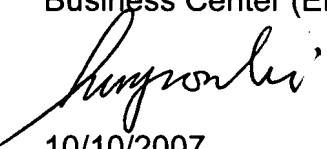
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- Kurz et al. [US 6,897,371] disclose one-piece shielding enclosure with selective interior access and method and blank therefor; and
- Mizzi et al. [US 4,723,195] disclose assembly including a modular electrical circuit and connector.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gutierrez F. Diego can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/10/2007

**Hung Bui**  
**Art Unit 2841**